



California Regional Water Quality Control Board

San Diego Region



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May 4, 2007

CERTIFIED – REGISTERED MAIL
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Mr. Tom H. Chapman
Vice Chairman
Lake Cuyamaca Recreation and Park District
15027 Highway 79
Julian, CA 92036

In reply refer to:
SCR: 07-0097.02

Dear Mr. Chapman:

RESPONSE TO COMMENTS FOR TENTATIVE ORDER NO R9-2007-0067; AN ORDER RESCINDING ORDER NO. R9-2004-0015 WASTE DISCHARGE REQUIREMENTS FOR THE LAKE CUYAMACA RECREATION AND PARK DISTRICT, LAKE CUYAMACA PUBLIC RECREATION AREA, SOUTHEAST OF JULIAN, SAN DIEGO COUNTY

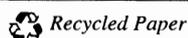
The San Diego Regional Water Quality Control Board (Regional Board) has reviewed all written comments received regarding tentative Oder No. R9-2007-0067. Comments were received from the Sierra Club, San Diego Chapter.

Enclosed is the Regional Boards Response to Comments document. Full copies of comment letter will be available at the Regional Boards website at <http://www.swrcb.ca.gov/rwqcb9/rb9board/May-07.html>.

The Sierra Club comments and Regional Board Response to Comments document will be provided to the Regional Board for consideration prior to the May 9, 2007 Regional Board regularly scheduled meeting. The Regional Board will hear testimony as part of their consideration of this matter.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

California Environmental Protection Agency



May 4, 2007

If you have any questions regarding the above, please contact Mr. Brian Kelley at (858) 467-4254, or via email at bkelly@waterboards.ca.gov.

Respectfully,



MICHAEL P. McCANN
Supervising Water Resource Control Engineer

Enclosure: Response to Comments document

cc:

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**SAN DIEGO REGIONAL BOARD RESPONSES TO COMMENTS
TENTATIVE ORDER R9-2007-0067**

**Lake Cuyamaca Recreation and Park District Comments
Verbal comment expressed by various parties**

GENERAL COMMENTS & MAJOR CONCERNS	REGIONAL BOARD RESPONSES
<p>1. The Regional Board did not allow a sufficient amount of time for public review of the tentative Order.</p>	<p>A rescission order does not require a 30-day public notice as would the adoption of Waste Discharge Requirements (California Water Code Section 13167.5).</p> <p>The Lake District informed the Regional Board that rescission of the Waste Discharge Requirements must be completed at the May 9th meeting because State Parks would rescind their permit to allow the discharge to the site in the Colorado River Basin. The Colorado River Basin Regional Water Quality Control Board (Region 7) has reported they do not have plans to rescind their waste discharge requirements. Region 7 also indicated that State Parks would be willing to allow the discharge until a decision is made by this Regional Board.</p> <p>The Regional Board will provide additional information as it becomes available.</p>

**Lake Cuyamaca Recreation and Park District Comments
Submitted by Mr. Edward Kimura on May 1, 2007**

GENERAL COMMENTS & MAJOR CONCERNS	REGIONAL BOARD RESPONSES
<p>1. <u>There is insufficient characterization of the waste disposal site subsurface geology, geochemistry, and hydrology.</u></p> <p>a. The area is underlined by fractured rock and the characteristics of fractured rock aquifers vary significantly.</p> <p>b. The tentative Order fails to provide critical information for the septic system discharge site in order to make sound assessments of whether the proposed actions will assure compliance with the Basin Plan Objectives.</p>	<p>1.a,b.The septic system meets all the conditions in the Basin Plan, including the minimum unsaturated soil thickness between the bottom of leach line and the historic high groundwater level.</p> <p>Regional Board does not have any evidence of a connection between the underlying groundwater to any surface water in the area, including Lake Cuyamaca. In addition, the District has reported geological studies to determine direction of flow in the underlying bedrock would be cost prohibitive.</p>

**SAN DIEGO REGIONAL BOARD RESPONSES TO COMMENTS
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GENERAL COMMENTS & MAJOR CONCERNS	REGIONAL BOARD RESPONSES
<p>2. <u>The tentative Order fails to provide details of the discharger approach and calculations used to comply with the conditions of the Waiver Policy.</u></p> <p>a. The approach requires ample amount of land to provide sufficient mixing of the septic tank effluent to comply with the Basin Plan objectives for iron, manganese, and nitrate. The Waiver Policy does not explicitly allow this approach; please explain why this is allowed.</p> <p>b. The tentative Order should show the physical location and linear dimensions of the 263 acres needed for the mixing of the effluent.</p>	<p>2.a. The calculations used to determine compliance are as follows:</p> <p>Total Infiltration Zone = 263 acres</p> <p>Annual Rainfall = 2.92 feet</p> <p>Recharge Rate = 17 %</p> <p>Recharge Volume = 42,540,760 gallons per year (GPY) = 161,016,777 liters per year (l/yr)</p> <p>Flow rate = 1,200 gallons per day (GPD) = 1,657,830 l/yr</p> <p>Effluent Nitrogen Concentration (as N) = 50 milligrams per liter (mg/l)</p> <p>Using the equation of =</p> $\text{Concentration}_{\text{Groundwater}} = \text{Mass} / (\text{Volume}_{\text{effluent}} + \text{Volume}_{\text{rainfall}})$ <p>The amount of total nitrogen reaching groundwater would be 0.51 mg/l.</p> <p>2.b. Section 3 of the Lake Cuyamaca Recreation and Park District Wastewater System Compliance Report, including a map identifying the physical location and linear dimensions of the Septic System Limitation Zone will be included in the supplemental packet. Additional information is also available at the Regional Board office.</p>
<p>3. <u>The discharger proposal to comply with the Basin Plan Objectives for iron, manganese, and nitrate is flawed and not acceptable.</u></p> <p>The region has historically received precipitation to recharge the groundwater yet the water quality objectives have not been met. Precipitation flows through the soil surface and enters the groundwater, in the process leaching minerals in the soil and rock and nitrates in plant matter. It belies logic that adding effluent would allow the amount of precipitation on the 263 acres to provide the necessary dilution of the effluent. Simply put, the assimilative capacity of the region is zero.</p>	<p>3. and 4.a. The methodology used is consistent with the Waiver Policy and thus also the Basin Plan. It is also consistent with the way all other sub-surface disposal systems are evaluated in the San Diego Region. There is no condition in the Waiver Policy for cases in which the underlying groundwater exceeds the Basin Plan Water Quality Objectives. In fact, in most cases, no monitoring is required prior to approval of a project.</p> <p>In this case we do have underlying groundwater monitoring data that indicates levels of iron, manganese, and nitrate exceed Basin Plan Objectives in at least 1 monitoring well downgradient of the site.</p> <p>The discharger has continued groundwater monitoring since the Order</p>

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GENERAL COMMENTS & MAJOR CONCERNS	REGIONAL BOARD RESPONSES
	<p>was adopted in 2004. Recent data indicates levels of iron and manganese have dropped to levels below the Basin Plan Objectives, which may indicate the area has some assimilative capacity for those constituents. Levels of nitrate, however, continue to be above the Basin Plan Objective of 5 mg/l (as NO₃). Since the discharge has not commenced, there are other sources within the radius of influence of the monitoring well that contribute to elevated levels of nitrogen. Possible causes for elevated levels of nitrogen and/or other constituents include anthropogenic activities, residual fire debris, and natural conditions in the soil.</p>
<p>4. <u>The tentative Order fails to comply with the State Antidegradation Policy Resolution 68-16.</u></p> <p>a. Because the disposal site assimilative capacity is zero adding even an incremental level of the constituents of concern is in violation of the Antidegradation Policy.</p> <p>b. There has been a similar case that resulted in the so called Rancho Caballero Decision. On May 30, 1972 the Orange County Water District petitioned the State Water Resource Control Board (SWRCB) for the review of Order No. 72-16 of the Santa Ana Regional Water Quality Control Board waste discharge requirements for the Rancho Caballero Mobile Home Park. The petition contested the discharge permit because the water quality for total dissolved solids (755 mg/l) exceeded the Basin Plan Objective (700 mg/l) but was less than the non-complaint water quality of the receiving water (900 mg/l). The SWRCB ruled in Order No. 73-4 that there was no assimilative capacity given that the groundwater was not better than necessary to protect the use and remanded the order back to the Regional Water Quality Control Board.</p>	<p>4.a.b. This Regional Board adopted Resolution No. 2002-0186 on September 11, 2002 to incorporate a Waste Discharge Requirement Waiver Policy for certain specific types of discharges. It was determined that waivers of waste discharge requirements for the types of discharges set forth in this Resolution would not have a significant adverse effect on the environment and is not against the public interest, provided the corresponding criteria and conditions are met.</p>
<p>5. <u>The Memorandum of Understanding developed by the Lake Cuyamaca Recreation and Park District with the California State Parks, Colorado District for the 263 acres exclusion was done without public input.</u></p> <p>We question if this is a violation of CEQA.</p>	<p>Whether the Regional Board can rely on the validity of the document is currently under investigation.</p>

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GENERAL COMMENTS & MAJOR CONCERNS	REGIONAL BOARD RESPONSES
<p>6. <u>Groundwater monitoring and site characterization is essential.</u></p> <p>a. The tentative Order does not require groundwater monitoring.</p> <p>b. The SWRCB conducted a septic system workshop which expressed important concerns. The section on groundwater monitoring stated that it is problematic to monitor the discharge in fractured rock for two primary reasons: a) it is impossible to predict the path of the discharge through erratic fissures in the underlying rock, and b) discharge in the fractured rock travels faster and may be less diluted. These technical concerns must be resolved in order to assure reliable and accurate means to show that the discharge complies with the Basin Plan Objectives. This poses a significant regulatory dilemma as these concerns have not been addressed.</p>	<p>The tentative Order rescinds requirement for the Lake Cuyamaca Public Recreation Area and, hence, no monitoring will be required by the Regional Board. Authority to regulate the facility will be deferred to the San Diego County Department of Environmental Health (DEH).</p> <p>DEH has expressed their willingness to prepare a special permit for this facility that will incorporate monitoring and other recommendations made by this Regional Board. Any monitoring required will be submitted to DEH as well as to the Regional Board.</p>